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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,940

03/11/2004

Charles B. Worrick III

00216-663001 / Case 8133

8001

27752

7590

05/17/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

LANDRUM, EDWARD F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/799,940	WORRICK, CHARLES B.	
	Examiner	Art Unit	
	Edward F. Landrum	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 and 35-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26, and 29-34 is/are rejected.
- 7) ☒ Claim(s) 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/05, 7/8/05</u> | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> |

Continuation of Attachment(s) 6). Other: IDS: 4/7/06, and Foreign Patent.

DETAILED ACTION

Election/Restrictions

Claims 1-20, and 35-51 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/27/2006.

Applicant's election without traverse of claims 21-34 in the reply filed on 3/27/2006 is acknowledged.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 recites the limitation "the cartridge housing" in 3. There is insufficient antecedent basis for this limitation in the claim. It is not understood whether the term "the cartridge housing" refers to the combined unit of the connecting member and the

blade housing, or just the blade housing. For the purpose of examination, the examiner is assuming that the applicant includes both the blade housing and the connecting member when referring to the cartridge housing.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rozenkranc (U.S Patent No. 6,276,064).

Rozenkranc teaches (see Figures 1-4) a housing (2) with a front edge (closest to guard 6) and a rear edge (closest to blade 4). A trimming assembly is attached to the housing and contains a trimming blade (4). A connecting member (depressions at pivot point 7) is configured to attach the housing to a handle (1). Figure 3 shows the trimming device capable of being guided along a skin surface using the handle.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-26, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppen (German Patent No. DE3635553) in view of Rozenkranc.

Koeppen teaches (see Figure 1b) a housing (2) having a front edge and a rear edge with one or more shaving blades (5) between the front and rear edges. A connecting member (3), connected to the housing (2), is configured to releasably connect the housing (2) to a handle (1). The connecting member includes deflectable elements (see abstract) that define an opening (around 51) for a protrusion (50) attached to the handle (1). The protrusion (50) has an enlarged, angled distal end greater than the dimension of the opening such that inserting the protrusion deflects the deflectable elements. A movable pusher (53) is extended to disengage the handle (1) with the connecting member (3). The pusher (53) engages the deflectable elements to disengage the deflectable elements from the side surface of the protrusion.

Koeppen teaches all of the elements of the current invention as stated above except a trimming assembly attached to the housing wherein the trimming blade can be guided along a skin surface by the handle.

Rozenkranc teaches (see Figures 1-4) a trimming assembly attached to a housing (2) that contains a trimming blade (4). Figure 3 shows the trimming device capable of being guided along a skin surface using the handle.

It would have been obvious to have modified Koeppen to incorporate the teachings of Rozenkranc to incorporate a trimming assembly and blade capable of being guided along a skin surface for the purpose of enabling a user to properly trim sideburns and similar positions thereby enhancing the overall utility of the shaving device.

7. Claims 21-23, 25, and 32-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Apprille et al (U.S Patent No. 5,965,851), hereinafter Apprille, in view of Rozenkranc.

Apprille teaches (see Figures 2, and 7-11) a housing (16) having a front edge and a rear edge with one or more shaving blades (18) between the front and rear edges. A connecting member (24), connected to the housing (16), is configured to releasably connect the housing (16) to a handle (12). The connecting member includes a deflectable element (44) that defines an opening (32) for a protrusion (26) attached to the handle (12). The protrusion (26) is larger than the dimension of the opening (32) such that inserting the protrusion (26) deflects the deflectable element (44). A movable pusher (80) is extended to disengage the handle (12) with the connecting member (24). A plunger (45) extends through the protrusion (26) to engage the housing of the cartridge (16). Furthermore, the connecting element (24) provides a pivot structure (the ends of arms 28) defining a pivot axis for pivoting the housing (16) with respect to the connecting member (24).

Apprille teaches all of the elements of the current invention as stated above except a trimming assembly attached to the housing wherein the trimming blade can be guided along a skin surface by the handle; and the plunger contacting the housing at a horizontal distance of a least .8 mm from the pivot axis.

Rozenkranc teaches (see Figures 1-4) a trimming assembly attached to a housing (2) that contains a trimming blade (4). Figure 3 shows the trimming device capable of being guided along a skin surface using the handle.

It would have been obvious to have modified Aprille to incorporate the teachings of Rozenkranc to incorporate a trimming assembly and blade capable of being guided along a skin surface for the purpose of enabling a user to properly trim sideburns and similar positions thereby enhancing the overall utility of the shaving device.

Regarding the plunger contacting the housing cartridge at a horizontal distance of at least .8 mm from the pivot axis it would have been an obvious matter of design choice to find the optimal distance between the plunger and the housing as compared to the pivot axis for the purpose of allowing the housing to pivot to both a shaving position and a trimming position while also providing a resistance force against the housing so a user's force applied to the handle could be optimally applied to the housing to thereby reduce the necessary force of the user and possibly aid the user from cutting him or herself.

Allowable Subject Matter

Claim 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peyser (U.S Publication No. 2002/0189112), Lazarchik et al (U.S Patent No. 5,157,835), Lazarchik (U.S Patent No. 4,739,553), Coffin (U.S Publication No.

2003/0014871), Spahr (U.S Patent No. 1,639,441), and Metcalf et al (U.S Patent No. 5,890,296) teach removable housings on shaving devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL
5/4/2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER